

Attorney's Docket No.: 14580-037001/FF2022

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The claims stand rejected over Fazan (US 6,259,125). This contention is respectfully traversed.

Claim 1 requires that the method includes a first etching step to form openings in the ferroelectric material, depositing an electrode layer into the openings formed in the ferroelectric layer and a second etching step, after depositing the electrode layer, of etching the insulating layer at the bottom of the openings to form gaps in it. Fazan does not disclose this process.

On the contrary, Fazan discloses that a second etching step is performed before depositing the electrode layer 50. A correct reading of Fazan is that Figures 9, 10 and 11 illustrate steps in a sequence. The rejection incorrectly asserts that "the second etching step" of Figure 10 of Fazan is performed after the step of depositing a conductive layer/electrode 50 of Figure 11. A correct reading of the description of these figures offers no other interpretation. (As an aside, we note the error of asserting that Figure 10 shows that the second etching step is performed after depositing electrode layer 42; electrode layer 42 is not the layer 50 deposited after the first etching step of Figure 9,

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but is another electrode layer deposited before the first etching step of Figure 9. In this respect, see col. 7, lines 5-7 of Fazan.)

Consequently, there is no possible interpretation of Fazan by which this disclosure can be considered to anticipate Claim 1. Claim 1 is therefore novel. Furthermore, Claim 1 must also be considered non-obvious over Fazan as Fazan does not teach or suggest the features of Claim 1. Indeed, Fazan positively teaches away from Claim 1 by teaching that the step of depositing the conductive layer/electrode 50 must be performed after the second etching step.

Thus, Claim 1 defines a patentable invention. The dependent claims, by virtue of their dependencies at least, are also patentable.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily

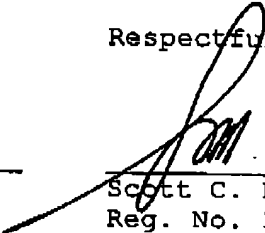
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signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due, however please apply any applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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